

## Department of Planning and Budget 2011 Fiscal Impact Statement

**1. Bill Number:** HB 1868

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron:**    Toscano, David J.

**3. Committee:** Health, Welfare and Institutions

**4. Title:**    Adult adopted person; access to identifying information

**5. Summary:** This bill requires that upon receipt of a notice that the Commissioner of the Department of Social Services or a circuit court has allowed an adult adoptee access to indentifying information as well as proof of identification, the State Registrar shall make an original birth certificate available to that adult adoptee for inspection and copying. If a circuit court in Virginia corrects or amends the date of birth for an adoptee born in a foreign country, the Bureau of Vital Statistics shall issue a new birth certificate.

In addition, current criteria is expanded to include the adoptive parent and adult lineal descendents of the adopted person as those allowed to file for disclosure of identifying information from the adoption file. It also shifts the responsibility for locating the birth parent from a “designated person or agency” to a “designated person or licensed child placing agency.” In addition, this bill sets a time frame as to when the search should be conducted and the amount of time the birth parents have to respond to the request for disclosure.

**6. Budget Amendment Necessary:** Yes, item 326.

**7. Fiscal Impact Estimates:**

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2011	-	-	-
2012	97,960	1.0	Special
2013	92,597	1.0	Special
2014	190,353	2.0	Special
2015	185,190	2.0	Special
2016	282,950	3.0	Special
2017	277,787	3.0	Special

**7b. Revenue Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2011	-	-
2012	97,960	Special
2013	92,597	Special
2014	190,353	Special
2015	185,190	Special
2016	282,950	Special
2017	277,787	Special

**8. Fiscal Implications:**

Department of Social Services

Currently, an adult adoptee submits an application to the Department of Social Services (DSS) requesting the disclosure of adoption records. The central office reviews the application and assigns it to the locality in which the adoption occurred, the locality searches for the birth parents and reports their findings back to the central office. Existing law allows the locality to charge a fee for this service; however most do not. Once the search is complete, the central office reviews the information and consults with the locality as to whether the information should be released. This decision is based on mutual consent between the adult adoptee and birth parents. The department does not have the original birth certificates on file for these cases and would need to submit a certification to the Department of Health, Office of Vital Records, to release the original birth certificate to the adoptee.

The proposed legislation expands the range of individuals that may request access to adoption records; establishes time frames for birth parents searches; and shifts the responsibility for locating the birth parent(s) from local departments of social services to the DSS central office. These changes are expected to have fiscal implications for DSS.

Changing Code of Virginia language from “designated person or agency” to a “designated person or licensed child placing agency” serves to shift the responsibility for locating birth parent(s) from the local departments of social services to the DSS central office. The department currently receives approximately 1,200 requests for disclosure of identifying information from adult adoptees each year. Instead of facilitating these searches through 120 local departments; central office staff will be expected to handle all 1,200 applications in-house. In addition, allowing requests from adoptive parents and adult lineal descendents of adoptees will serve to increase the overall number of requests received by DSS. There is no clear method of estimating the potential number of additional searches that would be conducted as a result of this bill.

In order to consolidate the application and search process at the department’s central office, it is estimated that the agency will need to add at least one additional position. This position will help the existing position handle both the current volume of searches and the indeterminate increase in searches as result of this bill. Moreover, the periodic use of contractual workers may be necessary to meet peak demand and conform to the timelines mandated in the legislation. It is further expected that additional positions will be necessary in future years as the number of requests rise.

Based on the average salary of \$62,511, the total cost for additional central office position is estimated at \$97,960 for the first year. . This calculation includes annual operating costs of \$8,115 per worker for items such as supplies, telephone, rent, and personal computer costs as well as one-time cubicle costs of \$5,163 per worker the first year of employment. No contractual support is assumed. In subsequent years, the department will require additional staff as workload necessitates. The amounts in item 6 reflect a steady increase over the next six years where an additional position is added in FY 2014 and FY 2016. These staff will only be needed if applications continue to increase.

This legislation allows the department to charge a reasonable fee to cover the costs incurred in the process of locating and notifying birth parents. It is assumed that a fee structure will be implemented that covers the program's estimated cost. Moreover, such a fee, limited to meeting anticipated program expenditures, will be deemed "reasonable". For illustrative purposes, assume annual program costs are \$150,000 and the department expects to receive 1,500 search requests. The expected application fee will be \$100. The program will need to adjust its fees periodically to meet anticipated annual costs. The only way to continue to offer free searches will be to provide the agency with additional general fund support.

#### Virginia Department of Health

Based on the expanded criteria, the Virginia Department of Health (VDH) will receive an increased number of authorizations from DSS to release original birth certificate to adoptees. Again, there is no data to suggest how many additional requests VDH will receive each year. However, any additional expenditure in the Office of Vital Records can be offset by increased nongeneral fund revenues associated with existing fees.

#### **9. Specific Agency or Political Subdivisions Affected:**

Department of Social Services  
Virginia Department of Health

#### **10. Technical Amendment Necessary:** No

#### **11. Other Comments:** None

**Date:** 1/24/11

**Document:** G:\2011 Fiscal Year\EFIS 2011\HB1868.Doc